

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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COMMUNICATION SERVICE FOR THE	:	CIV. 10-4134
DEAF, INC.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	DEFENDANT FIRST
	:	ADMINISTRATORS, INC.’S
FIRST ADMINISTRATORS, INC.,	:	MOTION TO AMEND ANSWER
RMTS, L.L.C., and GERBER LIFE	:	
INSURANCE COMPANY	:	
	:	
Defendants.	:	

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Pursuant to Federal Rule of Civil Procedure 15 and Local Rule 15.1, Defendant First Administrators, Inc. (“FAI”) moves to file an amended answer in the form attached hereto as Exhibit A and in support thereof states:

1. FAI seeks permission to modify a portion of its answer to paragraphs 25-32 of Plaintiff’s Amended Complaint, to modify one previously-asserted affirmative defense and to assert four additional affirmative defenses, and to make several typographical corrections. These changes are highlighted in bold face in the attached Exhibit A.
2. No party would be prejudiced by the proposed amendment.
3. FAI respectfully submits that allowing the proposed amendment would further the interests of justice.

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4. This Motion is supported by FAI's Brief in Support of Motion to Amend Answer, incorporated herein.

WHEREFORE, FAI respectfully requests that this Motion be granted.

Dated this 27th day of January, 2012.

WOODS, FULLER, SHULTZ & SMITH P.C.

By: /s/Kristine K. O'Connell

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CERTIFICATE OF SERVICE

I certify that on the 27th day of January, 2012, I filed Defendant First Administrators, Inc.'s Motion to Amend Answer with the United States District Court, District of South Dakota, Southern Division, by using the CM/ECF system. Thomas K. Wilka, Hagen, Wilka & Archer, LLP, 600 S. Main Avenue, Suite 102, P.O. Box 964, Sioux Falls, SD 57101-0964, Attorneys for Plaintiff, and Daniel R. Fritz, Jr., Lynn, Jackson, Shultz & Lebrun, P.O. Box 2700, Sioux Falls, SD 57101 being registered CM/ECF users, will be served electronically via the CM/ECF system.

/s/ Kristine K. O'Connell
One of the attorneys for Defendant